

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-00603-GCM**

REGINA BOSTON,

Plaintiff,

vs.

**COLLECTION COMPANY
OF AMERICA,**

Defendant.

MOTIONS TO DISMISS AMENDED COMPLAINT

NOW COMES the defendant, Collection Company of America, by and through its undersigned counsel of record and moves to dismiss the Amended Complaint filed herein pursuant to Rules 12(b)(2), (4), (5) and (6) of the Federal Rules of Civil Procedure. In support of its Motions, defendant shows unto the Court as follows:

**MOTION TO DISMISS
(Fed. R. Civ. Pro. 12(b)(2), (4) and (5))**

Plaintiff has filed an Amended Complaint against "Collection Company of America" and served a summons and Amended Complaint addressed to Collection Company of America at 700 Longwater Drive, Norwell, MA 02061. Upon information and belief, no such entity exists or does business at 700 Longwater

Drive, Norwell MA 02061. Collecto, Inc., d/b/a EOS-CCA is the corporate entity located at the Norwell, MA address. Collecto, inc. formerly did business as Collection Company of America. Additionally, the summons was neither addressed nor served on a person authorized to accept service on behalf of Collecto, Inc. The Amended Complaint should therefore be dismissed as there has been insufficient process and an insufficiency of service of process and thus, there is no personal jurisdiction over the defendant.

MOTION TO DISMISS
(Fed. R. Civ. Pro. 12(b)(6))

As set forth more particularly in the Memorandum filed herewith, Plaintiff's Complaint fails to meet the minimal pleading requirements set forth in Rule 8 of the Federal Rules of Civil Procedure and therefore does not state a claim upon which relief can be granted.

WHEREFORE, defendant respectfully requests the Amended Complaint be dismissed.

This the 12th day of November, 2012.

/s/ Caren D. Enloe

Caren D. Enloe

Of MORRIS, MANNING & MARTIN, LLP

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Attorneys for Defendant

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CERTIFICATE OF SERVICE

Caren D. Enloe, attorney for the Defendant, Collection Company of America certifies that she served the foregoing **Motions to Dismiss** on the following parties this 12th day of November, 2012 via first class mail, postage prepaid as follows:

Regina Boston
1220 Ballina Way
Charlotte NC 28214

This the 12th day of November, 2012.

/s/ Caren D. Enloe
Caren D. Enloe
N.C. State Bar No. 17394
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